

REMARKS

Claims 1-36 and 39-60 are pending in the present application. By virtue of this response, claims 7, 10, 11, 17 and 18 have been cancelled and claims 1, 5, 8, 12, 19, and 21 have been amended. No new claims have been added. Accordingly, claims 1-6, 8, 9, 12-16, 19-36, and 39-60 are currently under consideration.

Claim 1 has been amended to include the limitations found in claims 8, 12, 19, and 21. Additional support for amended claim 1 can be found in at least paragraphs 14, 17, 20, 22, 59, 62, and 63 of the specification. Claim 5 has been amended to include the adjective “any” which can be supported by at least paragraph 12. Claim 8 has been amended to include the language of cancelled claim 7, from which it previously depended. Claims 12, 19, and 21 have been amended to correct dependency in light of deleted claims 10 and 11. No new matter is believed to be added.

Applicant respectfully notes that the Examiner has omitted currently pending claims 59 and 60 from the *Disposition of Claims* in the Office Action Summary of November 6, 2008. Both pending claims 59 and 60 are described in the Office Action as allowed under the Allowable Subject Matter subsection.

Applicant thanks the Examiner for the intention to allow claims 6, 8, 9, 12-16, 18-36, and 39-60. The subject matter of the allowed claims has been added to claim 1. As such it is submitted that the pending claims are in condition for allowance.

For the Examiner’s convenience, Applicant’s remarks are presented in the same order in which they were raised in the Office Action.

Claims Rejections – USC § 112

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicant respectfully disagrees.

The Examiner asserts that the “dicarboxylatoplatinate(II) species contaminating the product” does not have antecedent support in claim 1. Applicant notes from MPEP 2173.05(e) that “the failure to provide explicit antecedent basis for terms does not always render a claim indefinite” and that the claim is not considered indefinite if one skilled in the art would reasonably ascertain the claim scope. Any “dicarboxylatoplatinate(II) species contaminating the product” described in

amended claim 5, if present, would be an inherent contaminant of the product from a method of claim 1. The skilled artisan, based on the teachings provided in the present application (*e.g.*, in paragraphs 12 and 56, and Examples 4 and 5 of the specification), would clearly recognize that the product, in some instances, may result in contaminating dicarboxylatoplatinate(II) species (*e.g.*, remaining *bis*-dicarboxylatoplatinate(II) species). Accordingly, the skilled artisan will certainly recognize the meaning of “dicarboxylatoplatinate(II) species contaminating the product” and thus reasonably ascertain the scope of claim 5. Applicant respectfully requests withdrawal of this rejection.

Claims Rejections – 35 USC § 102

Claims 1, 7, 10, 11, and 17 are rejected under 35 U.S.C. § 102(b) as allegedly being clearly anticipated by Puniyani et al., India of Journal of Chemistry, Vol. 24A, pp. 240-241 (1985). Applicant notes that claims 7, 10, 11, and 17 have been canceled, thus rendering rejection with respect to these claims moot.

Puniyani et al. discloses a process for preparing platinum(II) compounds containing a cyclohexanone thiosemicarbazone or cyclopentanone thiosemicarbazone ligand. Without acquiescing to the Examiner’s rejection and in the interest of advancing prosecution, Applicant has amended claim 1 to include the limitations of allowed claims 8, 12, 19, and 21. Claim 1 now describes a method for the preparation of a platinum(II) complex containing a neutral bidentate ligand, wherein the neutral bidentate ligand is a diamine, a dithioether, a diseleno ether, or a heterocyclic amine with an S donor atom. Puniyani et al. fails to disclose a method containing each and every limitation of amended claim 1. Accordingly, Puniyani et al. is not anticipatory under 35 U.S.C. § 102. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Claims Rejections – 35 USC § 103

Claims 2-4 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Puniyani et al., India of Journal of Chemistry, Vol. 24A, pp. 240-241 (1985). As noted above, claim 1 has been amended to include the limitations found in allowed claims 8, 12, 19, and 21. Claims 2-4 are thus not obvious over the Puniyani et al. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 638772009500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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